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2 **STROJNIK, P.C.**  
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8 Special Counsel for Plaintiff Strata Title

9  
10 **IN THE UNITED STATES BANKRUPTCY COURT**  
11 **ARIZONA DISTRICT**

12 In Re: ) NO. 12-bk-24242-DPC  
13 )  
14 Strata Title, LLC ) **NOTICE OF INABILITY TO COMPLY**  
15 ) **WITH TRIAL SUBPOENA**  
16 Debtor, )  
17 ) **(MOTION PURSUANT TO FRCP 45)**  
18 )  
19 \_\_\_\_\_ )

- 20 1. Undersigned was served with a trial subpoena on January 17, 2014 by e-mail. On  
21 the same day, the undersigned accepted the service of process of the subpoena.  
22 2. The subpoena requires undersigned's appearance on Monday, January 27, 2014.  
23 3. The undersigned is unable to appear on January 27, 2014 for the reason that he has  
24 prior pre-paid travel arrangements between the evening of Friday, January 24, 2014  
25 and Saturday, February 1, 2014.  
4. At the time of the acceptance of service of the Subpoena, the undersigned believed  
that the subpoena was for Friday, January 24, 2014, and marked the calendar  
accordingly; thus, he did not immediately advise the parties of the conflict.

- 1 5. To complicate matters further, the undersigned was subject to a major medical  
2 surgical procedure on Wednesday, January 22, 2014 and is currently convalescing.
- 3 6. The undersigned advised the parties of the conflict on January 23, 2014 and offered  
4 himself up for a deposition on January 24, 2014 in lieu of live testimony. As of the  
5 time of this writing, the parties have not accepted the offer.
- 6 7. For the reasons of prior commitments and convalescence from major surgery, the  
7 undersigned request protection from the Court pursuant to FRCP 45(d)(3)(A)(i)  
8 (“reasonable time to comply”) and (iv) (“undue burden”).
- 9 8. The undersigned has been advised that this matter may take more than one day and,  
10 therefore, the undersigned discloses his general availability after February 5, 2014.

11  
12  
13 RESPECTFULLY SUBMITTED this 24<sup>TH</sup> day of January, 2014.

14  
15 **STROJNIK, P.C.**

16 /s/

17 \_\_\_\_\_  
18 By: Peter Strojnik  
19 Special Counsel for Plaintiff Strata Title  
20 LLC

21 The original e-filed with the Court and distributed to interested parties though the  
22 PACER system.